IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

Tr.P(C).No. 256 of 2006()

TRANSFER O.P.NOS.918/06 AND OP 919/2006.
ON THE FILE OF FAMILY COURT,THRISSUR TO FAMILY COURT, PALAKKAD

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: PETITIONER

R.MINIMOL, W/O.SUNIL,
RESIDING AT MANNATH VEEDU, ODUKAMPARA,
KODUVAYUR P.O., PALAKKAD.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.SREEKANTH.K.R
SRI.P.A.JOSEPH
SRI.SUNIL J.CHAKKALACKAL

RESPONDENT:

E.V.SUNIL,
S/O.VASUDEVAN, RESIDING AT MURALI NIVAS,
EDAKUNNI HOUSE, VIYYOR, THRISSUR.

BY ADV. SRI.KRISHNA PRASAD. S
SRI.S.ASHOK KUMAR.

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

TR. P.9C)256/06

ORDER ON I.A.3085/06 IN TR.P.(C)256/06

DISMISSED.

12.12.06 SD/-M.SASIDHARAN NAMBIAR, JUDGE.

M.SASIDHARAN NAMBIAR,J.

Tr.P.(C)NO.256 OF 2006

DATED THIS THE 12th DAY OF DECEMBER, 2006

ORDER

Petitioner is the wife. Respondent is the husband. Petitioner filed M.C.28/06 on the file of Family Court, Palakkad claiming maintenance. Respondent filed O.P.918/06 and O.P.919/06 before Family Court, Thrissur claiming custody of the child and for restitution of conjugal rights. This petition is filed to transfer those cases, which are pending before Family Court, Thrissur to Family Court, Palakkad.

2. The case of petitioner was that she is a resident of Koduvayur of Palakkad District and her parents are aged and it is not possible for her to travel to Thrissr and contest the case and therefore the cases pending before Family Court, Thrissur are to be transferred to Palakkad.

3. Respondent opposed the application contending that father of the petitioner is a retired Sub Inspector of Police and he had threatened respondent that if he set foot at Palakkad, he will be beaten and in such circumstances, he is afraid of going to Palakkad and hence the case may not be transferred to Palakkad.

4. On hearing learned Counsel appearing for petitioner and

respondent, it is clear that the wife is residing at Palakkad and she filed the maintenance case before Family Court, Palakkad. Even according to learned Counsel appearing for petitioner that case was contested by respondent at Palakkad. In such circumstances, considering the difficulties expressed by the wife, cases pending at Thrissur are to be transferred to Family Court, Palakkad. If the apprehension of respondent is that he will be attacked by the father of petitioner , respondent is at liberty to approach the police authorities or the Family Court, Palakkad for appropriate protection.

Petition is allowed. O.P. 918/06 and O.P.919/06 pending before Family Court, Thrissur are withdrawn and transferred to Family Court, Palakkad for disposal in accordance with law.

M.SASIDHARAN NAMBIAR,JUDGE

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